

Application No.: 10/089,998  
Amendment Dated: September 14, 2004  
Reply to Office Action of: June 14, 2004

MTS-3326US

**Remarks/Arguments:**

**Pending Claims**

Claims 14-22 are pending. Claims 1-13 have been withdrawn, as being drawn toward non-elected species.

Claim 15 has been objected to on the basis that the term "good wavefront" is unclear. Claim 15 has been amended merely to clarify the reduced wavefront aberration of the luminous flux from the light sources recited in this claim.

Claims 14-18 and 20-22 have been rejected under 35 USC §102(b) as being anticipated by Komma et al. (US 5,815,293). Claims 14, 15, 20/15, 20/15, 21, and 22 have also been rejected under 35 USC §102(a) as being anticipated by Kojima et al. (JP 2000-028917A). Additionally, claims 16-19, 20/16, 20/17, and 20/18 have also been rejected under 35 USC §103(a) as being unpatentable over either Komma et al. or Kojima et al. in view of Komma et al. It is respectfully submitted that claims 14-22, as amended, are patentable over Komma et al. and Kojima et al. for the reasons set forth below.

**Kojima et al.**

Kojima et al. was first published on January 28, 2000. As noted on page 2 of the Office Action, the Examiner has acknowledged Applicants claim under 35 USC 119(a)-(d) to a priority date of October 6, 1999 based on JP 11-285810. A certified translation of this application is provided to perfect this priority date. Therefore, Kojima et al. does not qualify as prior art under 35 USC 102(a).

**Komma et al.**

Komma et al. disclose a holographic lens 26 in Figures 4a, 4b, 5, 6, 9a, 9b, 19a, 19b, and 20, which includes a pattern region 26A and a no pattern region 26B

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(column 26, lines 42-48). A light portion L5 of a single incident light L3 is diffracted by pattern region 26A and another light portion L4 passes through both pattern region 26A and no pattern region 26B without being diffracted. Light portions L4 and L5 are then focused to different points by objective lens 27 (Figures 4a and 4b, and column 26, lines 42-48).

The present invention, as recited in claim 14, contains a feature which is neither disclosed, nor suggested by Komma et al., namely:

A convex lens for allowing luminous flux from a first light source to converge to a first optical information recording medium having a predetermined thickness and allowing luminous flux from a second light source having a wavelength different from the first light source to converge to a second optical information recording medium which is thicker than the first optical information recording medium... (Emphasis Added)

This feature, which is described in the specification at page 37, line 8, through page 38, line 17, is distinguished from the holographic lens 26 (Figures 4a, 4b, 5, 6, 9a, 9b, 19a, 19b, and 20) of Komma et al. Komma et al. neither discloses nor suggests that holographic lens 26 is capable of converging a first light source having a first wavelength to a first optical information recording medium and a second light source having a different wavelength to a second, thicker, optical information recording medium, as recited in independent claim 14. Lacking this feature of claim 14, Komma et al. by itself or in combination with any other cited prior art reference neither anticipates nor renders obvious Applicants' claimed invention.

Therefore, for the reasons set forth above, claim 14 is not subject to rejection as being anticipated by, or unpatentable in view of, Komma et al. As claims 15-22 are dependent on claim 14, these claims are not subject to these rejections as well.

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## CONCLUSION

Based on the foregoing amendment and remarks, Applicants respectfully submit that claims 14-22, as amended, are in condition for allowance. Accordingly, reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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Attachments: Translated copy of Priority document  
Certification of Translation

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